



UNITED STATES **PART OF COMMERCE**
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

N.H.

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
---------------	-------------	----------------------	---------------------

08/394,379 02/03/95 LEWAK

J 1668

EXAMINER

CHOULES, J

E3M1/0406

ART UNIT

PAPER NUMBER

JOHN LAND
SPENSLEY HORN JUBAS & LUBITZ
1880 CENTURY PARK EAST STE 500
LOS ANGELES CA 90067

2307

DATE MAILED:
04/06/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 3/17/95 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 day(s) from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474..
6.

Part II SUMMARY OF ACTION

1. Claims 1 to 27 and 30 and 31 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1 to 27 and 31 are rejected.

5. Claims 30 are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

See Attached

EXAMINER'S ACTION

Art Unit: 2307

Part III DETAILED ACTION

15. Claims 1-27 and 30-31 are presented for examination.

Response to Amendment

16. Applicant's arguments filed March 17, 1995 have been fully considered but they are not deemed to be persuasive except as noted.

17. Applicants arguments pertaining to Schwartz et al. and Cochran et al. and the non-hierarchal categories have been accepted and new rejections formed to reject the same claims in the following paragraphs.

18. As to the disabling of selectability of displayed categories applicant argues that it is not taught by Cochran et al. Cochran et al. does teach "dynamic list" which provides a list of the possible selections that changes based on the which categories are not empty for further search he does not specify "displayed" but this is obvious from the combination of the art below besides in the invention of Cochran et al. displaying the lists is implicit (see figure 4).

19. As to the rejections made using Bananafish Software, Inc., in the Thought Pattern Handbook, Applicant claims that there is

Art Unit: 2307

(1) no "category description" and (2) no "category linking" provided. The examiner respectfully disagrees. (1) The *tabs* as described in the **Thought Pattern Handbook** are the "category descriptions" (page 16); and (2) the "category descriptions" can be "linked" to *tab groups* which are the "linking categories" (page 4, lines 23-30 {paragraph 4}). For any files to be linked to a group the file must be linked to one of the tabs in that group. (See also page 12 and page 17 for further detail.)

Claim Rejections - 35 USC § 102

20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Art Unit: 2307

21. Claims 27 is rejected under 35 U.S.C. § 102(a) as being clearly anticipated by Bananafish Software, Inc., in the Thought Pattern Handbook.

22. Bananafish taught a DP system comprising "a plurality of files" (page 4, paragraph 1); "a plurality of categories" (page 4, paragraph 2); a "file association means" (page 4, paragraph 3); a "category addition means" (page 4, paragraph 4); a category linking means" (page 4, paragraph 4).

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

24. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103,

Art Unit: 2307

the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

25. Claim 1 and 21 are rejected under 35 U.S.C. § 103 as being unpatentable over Bananafish Software, Inc., in the Thought Pattern Handbook in view of Schwartz et al., patent no. 5,047,918.

26. As to claim 1 and 21, Bananafish disclosed the invention substantially as claimed including a data processing system ['DP'] comprising the steps of "defining" (page 5, lines 1-8; page 16-17; and page 19 lines 1-5); and "accepting user input associating" (page 9, lines 19-22).

27. Bananafish does not detail "storing in the data storage system". Schwartz et al. describes a system which includes "storing in the data storage system" (col. 11, lines 55-59; col. 12, lines 10-12 and 29-38). Note it is implicit that the "node record" or file record of Schwartz et al would be labeled with a file name for identification of the record.

Art Unit: 2307

28. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Bananafish and Schwartz et al. because Bananafish must store category (tab) links to files in some way and the system described by Schwartz et al provides an effective way of providing these links improving the versatility of the DP system.

29. Claims 2 and 22 are rejected under 35 U.S.C. § 103 as being unpatentable over Bananafish Software, Inc., in the Thought Pattern Handbook in view of Cochran et al., patent no. 5,206,949 in view of Bernstein et al., patent no. 5,204,947.

30. As to claim 2 and 22, Bananafish disclosed the invention substantially as claimed including a data processing system ['DP'] comprising the steps of "displaying the defined list" (page 23, lines 3-7); "accepting user input" (page 23, lines 3-7); and "searching" (page 23, lines 3-7).

31. Bananafish does not detail "displaying the file name" an categories (not displaying any more, as the categories are nod "disabling". Cochran et al. describes a system which includes "displaying the file name" (col. 9, lines 31-37) and "disabling" (col. 10, lines 49-53).

Art Unit: 2307

32. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Cochran et al. and Bananafish because disabling longer on the dynamic list, amounts to disabling selectability) that have not produce hits saves search entre time of the operator it is also desirable to know the files that the search returns improving the versatility of the DP system.

33. Claims 3 and 23 are rejected under 35 U.S.C. § 103 as being unpatentable over Bananafish Software, Inc., in the Thought Pattern Handbook in view of Cochran et al., patent no. 5,206,949 and in view of Schwartz et al., patent no. 5,047,918

34. As to 3 and 23, see claims 2 and 22 hereinabove Bananafish and Cochran do not detail that the search is of records comprising a file name, file location and associated category. Schwartz et al. describes a system which includes a search of records comprising a file name, file location and associated category (col. 11, lines 55-59; col. 12, lines 10-12 and 29-38). Note it is implicit that the "node record" or file record of Schwartz et al would be labeled with a file name for identification of the record.

Serial Number: 07/980,620

-8-

Art Unit: 2307

35. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Bananafish and Schwartz et al. because Bananafish must store category (tab) links to files in some way and the system described by Schwartz et al provides an effective way of providing these links improving the versatility of the DP system.

36. Claim 4, 6, 24, and 26 rejected under 35 U.S.C. § 103 as being unpatentable over Bananafish Software, Inc., in the Thought Pattern Handbook in view of Schwartz et al., patent no. 5,047,918.

37. As to claims 4 and 24, Schwartz disclosed an invention substantially as claimed including a DP system comprising the steps of "defining" (page 5, lines 1-8; page 16-17; and page 19 lines 1-5); and "accepting" (page 9, lines 19-22) and ; "displaying each defined list" (page 23, lines 3-7); "accepting user input" (page 23, lines 3-7); and "searching" (page 23, lines 3-7).

38. Bananafish does not detail "storing" and "displaying the file name". Schwartz describes a system which includes "storing" (col. 11, lines 55-59; col. 12, lines 10-12 and 29-38) Note it is implicit that the "node record" or file record of Schwartz et

Serial Number: 07/980,620

-9-

Art Unit: 2307

al would be labeled with a file name for identification of the record) and "displaying the file name" (col. 10, lines 1-5). It is implicit to returning the files that they may be displayed.

39. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Bananafish and Schwartz et al. because Bananafish must store category (tab) links to files in some way and the system described by Schwartz et al provides an effective way of providing these links improving the versatility of the DP system.

40. As to claim 6 and 26, Schwartz does not detail the steps of selecting one of the found files and opening the selected file. Cochran et al. describes a process which includes "accepting user input selecting ..." (pg 7); and "accessing the ... selected file ..." (pg 8). It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Schwartz et al. and Bananafish because allowing selection and access of the files found by the search in a simple and quick manner thus improving the versatility of the DP system.

41. Claims 5 and 25 are rejected under 35 U.S.C. § 103 as being unpatentable over Bananafish and Schwartz et al. as applied to

Art Unit: 2307

claim 4, in further view of Cochran et al., patent no 5,206,949.

42. As to claim 5 and 25, Bananafish and Schwartz et al. do not detail the step of disabling inappropriate choices from the list of categories. Cochran et al. describes a process which includes "disabling ... selection of all category..." (col. 10, lines 49-53). It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Cochran et al. with Bananafish and Schwartz et al. because eliminating categories that if added to the search filter would result in no files being returned would save time spent on non-productive searches improving throughput of the DP system.

43. Claims 7-12 are rejected under 35 U.S.C. § 103 as being unpatentable over Bananafish and Schwartz et al. patent no. 5,047,918, in further view of Cochran et al., patent no 5,206,949 in view of Cochran et al., patent no 5,206,949.

44. As to claim 7, it is essentially contained in claim 5. Claim 7 differs in that it specifies the use of a table instead of a list. Schwartz does not detail the use of a table however it is well known in the DP art that a table is commonly used to display compound lists and it would have been obvious to one of

Art Unit: 2307

ordinary skill in the DP art to use a table to show lists of categories because doing so would maximize the number of categories that could be clearly displayed on the screen over that of a single list improving the versatility of the DP system. Also the file information directory is not specifically named in the above claims but Schwartz et al refers to it (col. 11, lines 55-59) as cited in claim 1.

45. As to claim 8, Schwartz et al. details a category name and a unique category identifier (col. 17, lines 52-54).

46. As to claim 9 Bananafish described a category type designation (page 4, "Tab Groups").

47. As to claim 10, Schwartz et al. details steps of "accepting ... a new category" (col. 4, lines 26-43); "displaying the new category" is implicit to the process of accepting a new category; "creating a unique category identifier ..." (col. 17 lines 52-54); and "storing the ... name and ... identifier ..." (col. 15, lines 28-32).

48. As to claim 11, Schwartz et al. details steps of "User input selecting file" it is implicit that to assign a category to a file the user must be able to select the file; "displaying each

Art Unit: 2307

category ..." (col. 23, lines 26-28); "accepting user input associating ..." (col. 4, lines 32-39); "creating new entry ..." (col. 12, lines 29-39) it is implicit that if the category is added to the file this entry must be added; Storing ... the file identifier ..." (col. 10, lines 24-29); and "storing ... the category identifier ..." (col. 15, lines 9-14). Schwartz does not specifically describe the steps being carried out at the time of assigning a category to a file but he discloses all of the elements and it is implicit the steps must be done because the structure associating the category to the file must be created when it is associated.

49. As to claim 12, Bananafish describes "displaying ..." (page 11, lines 1-2); and "accepting ..." (page 11, lines 2-6).

50. Claims 13-15 are rejected under 35 U.S.C. § 103 as being unpatentable over Bananafish, Schwartz et al., and Cochran et al. as applied to claim 7 above, and further in view of Bernstein et al. patent no. 5,204,947.

51. As to claims 13 and 14, Cochran et al. describes "disabling categories ..." (col. 10, lines 49-61) and "accepting user input" (col. 2, lines 20-29) however he does not describe marking the display. Bernstein et al. describes both disabling and

Art Unit: 2307

indicating disabled categories by means of a "display attribute" (col. 1, lines 43-61). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Bananafish, Schwartz et al., and Cochran et al. with Bernstein because being able to see which categories are eliminated by terms used in the filter would help develop an effective filter improving the utility of the DP system.

52. As to claim 15, the only item not in previous claims discussed in the paragraphs hereinabove is searching using the computer created identifier. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the computer codes because the search would be quicker for the computer when comparing the numbers assigned by the computer rather than matching the character strings of the user assigned names increasing the throughput of the DP system.

53. Claims 16-18 are rejected under 35 U.S.C. § 103 as being unpatentable over Bananafish, Schwartz et al., Cochran et al., and Bernstein et al. as applied to claims 7, 13, and 15 above, and further in view of Central Point Software, Inc.'s PC Tools DOS Shell/File Manager manual.

Art Unit: 2307

54. As to claims 16 and 17, Schwartz et al., Cochran et al., and Bernstein et al. do not detail the opening of the files after they are found by the search however the PC Tools manual does describe the steps of "accepting user input ..." (page 34 and 35); and "opening ..." (page 34 and 35). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Schwartz et al. and PC Tools because being able to directly access files using the DP system would improve the versatility or the DP system.

55. As to claim 18 testing and opening a single file is not specifically detailed in the PC Tools manual however the PC Tools program and programs from other vendors will highlight or mark the only file and it will be the file opened.

56. Claim 19 is rejected under 35 U.S.C. § 103 as being unpatentable over Bananafish, Schwartz et al., Cochran et al., and Bernstein et al. as applied to claim 7 and 13 above, and further in view of Coulter et al. patent no. 5,201,048.

57. Bananafish, Schwartz et al., and Cochran et al. do not detail the use of logical operators in the search filter however Coulter et al. describes the use of logical operators to relate categories (col. 5 lines 21-25). It would have been obvious to

Art Unit: 2307

one of ordinary skill in the art at the time of the invention to combine Bananafish, Schwartz et al., and Cochran et al. and Coulter et al. because the addition of logical operators increases possible complexity of the search improving the versatility of the DP system.

58. Claim 20 is rejected under 35 U.S.C. § 103 as being unpatentable over Bananafish, Schwartz et al., Cochran et al., and Bernstein et al. as applied to claim 7 and 13 above, and further in view of Kenley et al., patent no. 5,276,867.

59. Bananafish, etc. do not detail the use of a time range in the search filter however Coulter et al. describes the use of "a time range to limit matching" (col. 10 lines 43-53). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Bananafish, etc. and Kenley et al. because the addition of a time range would bound the search to a desired time of file creation improving the versatility of the DP system.

60. Claim 31 is rejected under 35 U.S.C. § 103 as being unpatentable over Bananafish Software, Inc., in the Thought Pattern Handbook. as applied to claim 27 above, and further in

Art Unit: 2307

view of Central Point Software Inc.'s PC Tools Data Recovery and System Utilities manual.

61. Bananafish detail the use of encryption and password protection (page 27). However Bananafish does not detail the use of a password to encrypt a complete category Central Point does describe the use of a password for a complete category (Page 95-97). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Bananafish and Central Point because providing one password for a whole category saves time and effort entering a separate password for each file improving the versatility of the DP system.

Allowable Subject Matter

62. Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

63. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Choules whose telephone number is (703) 305-9840. The examiner can normally be reached on Monday-Friday from 7:15 AM - 3:45 PM and generally on Monday and Wednesday until 5:45.

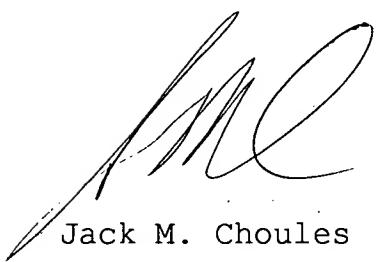
Serial Number: 07/980,620

-17-

Art Unit: 2307

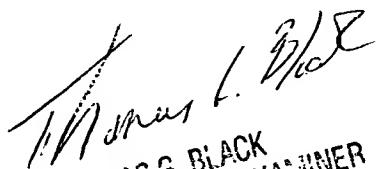
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached at (703)-305-9707. The fax phone number for this Group is (703)-305-9564 or 9565.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.



Jack M. Choules

April 3, 1995


Thomas G. Black
SUPERVISORY PATENT EXAMINER
GROUP 2300